IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAYSEAN M. HENDERSON, : CIVIL ACTION NO. 1:19-CV-1468
           :
   Plaintiff   : (Judge Conner)
           :
  v.   :
           :
LAWRENCE P. MAHALLY, *et al.*, :
           :
   Defendants :

ORDER

AND NOW, this 24th day of November, 2021, upon consideration of defendants' motions (Docs. 60, 72) for summary judgment pursuant to Federal Rule of Civil Procedure 56, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. The Department of Corrections defendants' motion (Doc. 60) for summary judgment is GRANTED in part and DENIED in part, as follows:

  a. The motion is GRANTED with respect to Henderson's Section 1983 claim for Eighth Amendment deliberate indifference to serious medical needs as to all DOC defendants.

  b. The motion is GRANTED with respect to Henderson's Section 1983 claim for First Amendment retaliation as to defendants Miller, Mahally, Martin, Dr. Prince, and Dr. Amin.

  c. The motion is DENIED with respect to Henderson's Section 1983 claim for First Amendment retaliation as to defendants Owen and McKeown.

2. Dr. Johnson's motion (Doc. 72) for summary judgment is GRANTED in part and DENIED in part, as follows:

  a. The motion is GRANTED with respect to Henderson's Section 1983 claim for Eighth Amendment deliberate indifference to serious medical needs.

       b.   The motion is DENIED as to Henderson's state-law claim of medical malpractice.

3.   Entry of judgment pursuant to the above paragraphs will be DEFERRED pending resolution of Henderson's remaining claims.

4.   Section V(2)(a) of the Court's November 17, 2020 memorandum and order granting summary judgment to defendants with respect to any and all "state law claims arising out of the failure to provide Henderson adequate medical treatment after the removal of the arch bars based on his failure to exhaust administrative remedies," (Doc. 35 at 19), is VACATED.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania